

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4 BERNADET GUEVARRA,

No. C 13-2267 CW

5 Plaintiff,

ORDER ADDRESSING
PROOF OF SERVICE
OF DEFENDANT SETON
MEDICAL CENTER AND
VACATING THE
SEPTEMBER 12, 2013
HEARING

6 v.

7 SETON MEDICAL CENTER; CALIFORNIA
UNEMPLOYMENT INSURANCE APPEALS
8 BOARD; and ROBERT DRESSER,

9 Defendants.

10 _____ /
11 On May 17, 2013, Plaintiff Bernadet Guevarra filed a
12 complaint against Defendants Seton Medical Center, California
13 Unemployment Insurance Appeals Board (CUIAB) and Robert Dresser.
14 Docket No. 1. Dresser and CUIAB have appeared, filed a motion to
15 dismiss Plaintiff's complaint and noticed the motion for hearing
16 on Thursday, September 12, 2013. Docket No. 14. However, it
17 appears from the docket that Plaintiff has not yet served Seton
18 Medical Center. Plaintiff has not filed proof of service upon
19 this Defendant and a summons has not been issued a summons for it.
20 See Docket No. 2 (summons addressed to Dresser and CUIAB only).
21 Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff is
22 required to serve Seton Medical Center within 120 days of May 17,
23 2013, or by Monday, September 16, 2013.

24 By September 16, 2013, Plaintiff must file either proof of
25 service upon Seton Medical Center or a motion to extend time for
26 service. If Plaintiff files a motion to extend time for service,
27 she shall provide good cause to explain her failure to serve this
28 Defendant within 120 days after the complaint was filed.

1 Plaintiff is warned that, if she fails to comply with the terms of
2 this Order, her claims against this Defendant will be dismissed
3 for failure to prosecute.

4 The Court vacates the September 12, 2013 hearing on Dresser
5 and CUIAB's motion to dismiss. The motion hearing will be reset,
6 if necessary, after Seton Medical Center has been served or
7 dismissed. The briefing schedule on the motion to dismiss is
8 maintained.

9 IT IS SO ORDERED.

10
11 Dated: 8/15/2013


CLAUDIA WILKEN
United States District Judge